

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

~~~~~  
PATRICIA LYNN RICHARD,

Plaintiff,

vs

6:06-CV-965

THE HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY,

Defendant.  
~~~~~

APPEARANCES:

OF COUNSEL:

LEGAL SERVICES FOR THE ELDERLY  
Attorneys for Plaintiff  
130 w, 42<sup>ND</sup> Street, 17<sup>th</sup> Floor  
New York, NY 10036-7803

GARY S. STONE, ESQ.  
CHRISTOPHER DAGG, ESQ.

COOPER, EVING & SAVAGE LLP  
Attorneys for Plaintiff  
39 North Pearl Street - 4<sup>th</sup> Floor  
Albany, New York 12207

BRIAN W. MATULA, ESQ.  
PHILIP G. STECK, ESQ.

SCHRADER, ISRAELY, DeLUCA & WATERS, LLP  
Attorneys for Defendant  
2821 Wehrle Drive, Suite 3  
Williamsville, New York 14221

R. SCOTT DeLUCA, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

Defendant, Hartford Accident and Life Insurance Company, moves for summary judgment dismissing plaintiff's amended complaint for long-term disability benefits ("LTD Benefit") under a policy issued to plaintiff's former employer. Plaintiff opposes and cross-moves for summary judgment granting her LTD Benefits on the grounds that the defendant's decision to deny was arbitrary and capricious.

Oral argument was heard on April 21, 2009, in Utica, New York. Decision was reserved.

Upon a detailed review of all the submissions, including the administrative record, the defendant's decision to deny plaintiff's claim for LTD Benefits was supported by substantial evidence including, but not limited to, physicians' reports and opinions, a medical review, video surveillance, and plaintiff's statements. Although one might disagree with the final decision, after two appeals, it was clearly not arbitrary and capricious.

Therefore, it is

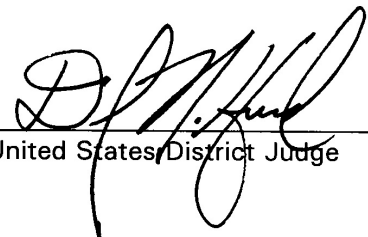
ORDERED that

1. Defendant's motion for summary judgment is GRANTED;
- 2, Plaintiff's cross-motion for summary judgment is DENIED; and
3. The amended complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: May 6, 2009  
Utica, New York.

  
United States District Judge